

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

IN RE FAMILY DOLLAR)	
FLSA LITIGATION)	MDL 3:08-MD-01932-GCM
)	
<i>Concerning Itterly v. Family Dollar</i>)	
<i>Stores, Inc. 3:08-cv-01936-GCM</i>)	

STIPULATION AND ORDER

It is hereby **STIPULATED** and **AGREED**, by and between the undersigned, as follows:

1. Pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, the Complaint in this action is amended, such that originating Plaintiff Albert Itterly's individual and collective action claims under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201, *et seq.*, are **DISMISSED WITH PREJUDICE**, with each party bearing their own fees and costs, and, going forward, this action shall be limited to Plaintiff Itterly's individual and class action claim arising under the Pennsylvania Minimum Wage Act ("PMWA"), 43 P.S. §§ 333.101, *et seq.*;

2. Pursuant to 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, FLSA claims of Opt-In Plaintiffs Diane Jorgenson, and Vicki Shaw are **DISMISSED WITH PREJUDICE**, with each party bearing their own fees and costs;

3. If Opt-In Plaintiffs Jorgensen, or Shaw wish to continue pursuing the PMWA claim, they must move to intervene in this action in this Court within fourteen (14) days of the Court's entry of this Stipulation and Proposed Order. Defendant will not oppose any such motion.

4. Defendant's entry into this Stipulation and Proposed Order shall not be construed as a waiver of its opposition to any request by Plaintiff Itterly that this action be remanded to the Eastern District of Pennsylvania pursuant to JPML Rule 10.1. On the contrary, Defendant will

oppose Plaintiff Itterly's remand efforts, including making a written opposition in this Court to any request for suggestion of remand.

AGREED, this 7th day of September, 2011:

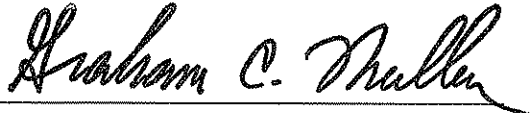
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SO ORDERED, this 8th day of September, 2011.



UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this day I filed the foregoing via the Court's CM/ECF system, which served a Notice of Electronic filing upon the following registered users:

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Dated: September 7, 2011

s/ Amy S. Ramsey
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